

AMENDED IN ASSEMBLY APRIL 28, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 664

Introduced by Assembly Member Jones

February 17, 2005

An act to amend Section ~~2553~~ of the Family Code 1161.2 of the Code of Civil Procedure, relating to ~~marital property; unlawful detainer.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 664, as amended, Jones. ~~Marital property. Unlawful detainer.~~

In a summary proceeding for the possession of real property, existing law requires the court clerk to mail a specified notice to each defendant named in the eviction action. This notice is required to include, among other things, the name and telephone number of the county bar association and the name and telephone number of an office funded by the federal Legal Services Corporation that provides legal services to low-income persons in the county in which the action is filed.

This bill would permit the notice to include the name and telephone number of a qualified legal services project, as defined, in lieu of a legal services office funded by the federal Legal Services Corporation.

~~Existing law specifies that the superior court may make any orders the court considers necessary to carry out the purposes of provisions of the Family Code governing the division of marital property.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1161.2 of the Code of Civil Procedure is
2 amended to read:

3 1161.2. (a) The clerk may allow access to limited civil case
4 records filed under this chapter, including the court file, index,
5 and register of actions, only as follows:

6 (1) To a party to the action, including a party's attorney.

7 (2) To any person who provides the clerk with the names of at
8 least one plaintiff and one defendant and the address of the
9 premises, including the apartment or unit number, if any.

10 (3) To a resident of the premises who provides the clerk with
11 the name of one of the parties or the case number and shows
12 proof of residency.

13 (4) To any person by order of the court, which may be granted
14 ex parte, on a showing of good cause.

15 (5) To any other person 60 days after the complaint has been
16 filed, unless a defendant prevails in the action within 60 days of
17 the filing of the complaint, in which case the clerk may not allow
18 access to any court records in the action, except as provided in
19 paragraphs (1) to (4), inclusive.

20 (b) For purposes of this section, "good cause" includes, but is
21 not limited to, the gathering of newsworthy facts by a person
22 described in Section 1070 of the Evidence Code. It is the intent
23 of the Legislature that a simple procedure be established to
24 request the ex parte order described in subdivision (a).

25 (c) Upon the filing of any case so restricted, the court clerk
26 shall mail notice to each defendant named in the action. The
27 notice shall be mailed to the address provided in the complaint.
28 The notice shall contain a statement that an unlawful detainer
29 complaint (eviction action) has been filed naming that party as a
30 defendant, and that access to the court file will be delayed for 60
31 days except to a party, an attorney for one of the parties, or any
32 other person who (1) provides to the clerk the names of at least
33 one plaintiff and one defendant in the action and provides to the
34 clerk the address, including any applicable apartment, unit, or
35 space number, of the subject premises, or (2) provides to the
36 clerk the name of one of the parties in the action or the case
37 number and can establish through proper identification that he or
38 she lives at the subject premises. The notice shall also contain a

1 statement that access to the court index, register of actions, or
2 other records is not permitted until 60 days after the complaint is
3 filed, except pursuant to an order upon a showing of good cause
4 therefor. The notice shall contain on its face the name and
5 telephone number of the county bar association and the name and
6 telephone number of an office funded by the federal Legal
7 Services Corporation, *or a qualified legal services project as*
8 *defined in Section 6213 of the Business and Professions Code,*
9 that provides legal services to low-income persons in the county
10 in which the action is filed. The notice shall state that these
11 numbers may be called for legal advice regarding the case. The
12 notice shall be issued between 24 and 48 hours of the filing of the
13 complaint, excluding weekends and holidays. One copy of the
14 notice shall be addressed to “all occupants” and mailed
15 separately to the subject premises. The notice shall not constitute
16 service of the summons and complaint.

17 (d) Notwithstanding any other provision of law, the court shall
18 charge an additional fee of four dollars (\$4) for filing a first
19 appearance by the plaintiff. This fee shall be included as part of
20 the total filing fee for actions filed under this chapter.

21 (e) This section does not apply to a case that seeks to terminate
22 a mobilehome park tenancy if the statement of the character of
23 the proceeding in the caption of the complaint clearly indicates
24 that the complaint seeks termination of a mobilehome park
25 tenancy.

26 ~~SECTION 1. Section 2553 of the Family Code is amended to~~
27 ~~read:~~

28 ~~2553. The court may make any orders that the court considers~~
29 ~~necessary to carry out the purposes of this division.~~